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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CRIPPS et al. Confirmation No: 9488
Appl. No. : 10/630,655
Filed : July 31, 2003
Title : PHARMACEUTICAL FORMULATION OF FLUTICASONE
: PROPIONATE

TC/A.U. : 1616
Examiner : M Haghighatian

Docket No.: : CRIP3001C2/REF
Customer No: : 23364

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of October 6, 2004, in connection with the above-identified application. This response is timely filed.

The only rejection in the Official Action is with respect to claims 1-27, 29-31 and 33-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,479,035 and 6,630,129. A timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application.

Applicants submit herewith a properly executed Terminal Disclaimer and the required fee thereby obviating the obviousness-type double patenting rejection. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Appl. No. 10/630,655
Response dated: January 4, 2005
Reply to OA of: October 6, 2004

In view of the above comments, submission herewith of a Terminal Disclaimer with appropriate fee, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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January 4, 2005